IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5601 OF 2003

Maruti Bhaurao Shinde. ..... Petitioner.

Versus

Shankargir Dadagir Gosavi. ..... Respondents.

Mr. S. A. Rajeshirkar with Mr. M. S. Karnik
for the Petitioner.

Mr. P. N. Joshi for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 9TH JUNE, 2005.

P.C.:

The Petitioner is aggrieved by the order of the Additional Commissioner, Nashik dated 16th April, 2003 reversing the order of the Appellate Court.

2. By the impugned order the Commissioner has deleted the name of the Petitioner from the crop cultivation column and entered the name of the Respondent. It is an admitted position that a suit for specific performance of an agreement in respect of the same lane has been filed by the Respondent’s brother. In

that suit the Respondent is Defendant No.2. The Respondent's brother has clearly averred that the Petitioner agreed to sell the land to the Respondent and his brother jointly and has also averred that he has obtained possession of the suit land. Since the issue of validity of the agreement as well as possession is directly in issue in that suit, I consider it appropriate not to interfere with the impugned order.

3. It is well settled that the mutation entries are meant only for fiscal purposes and would not affect the title of the Petitioner, if any, over the suit land. In the circumstances, I see no reason to interfere with the impugned order. The Petitioner shall be at liberty to apply for a change in the relevant column in accordance with the decision of the civil court. The civil court shall decide the matter independently without being influenced by any observation of the Revenue Authority.

4. In view of the above, writ petition is dismissed.

Sd/-

(S. A. BOBDE, J.)